

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TONY RANDALL MCKINNEY,)	CASE NO. 1:06 CV 3019
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>JUDGMENT ENTRY</u>
)	
MICHELE EBERLIN, WARDEN)	
)	
Respondent.)	

For the reasons stated in the Memorandum of Opinion and Order filed contemporaneously with this Judgment Entry, and pursuant to Federal Rule of Civil Procedure 58, it is hereby ORDERED, ADJUDGED AND DECREED that the above-captioned case is hereby terminated and dismissed as final.

Furthermore, pursuant to 28 U.S.C. §2253(c) and Fed. R. App. P. 22(b), there is no basis upon which to issue a certificate of appealability. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/Dan Aaron Polster June 5, 2008
Dan Aaron Polster
United States District Judge